



RECORDS RETENTION SCHEDULE

Executive Branch Ethics Commission

Schedule Date: December, 1994

Prepared by
STATE RECORDS BRANCH
Public Records Division
Kentucky Department for Libraries and Archives



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RECORDS RETENTION SCHEDULE

Signature Page

Executive Branch Ethics Commission
Agency

December, 1994
Schedule Date

Unit

Change Date
12/08/94
Date Approved by Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

✓ *Jill DeMaster*
Agency Head

11-29-94
Date of Approval

✓ *Jill DeMaster*
Agency Records Officer

11-29-94
Date of Approval

Richard L. Felder
State Archivist and Records Administrator
Director, Public Records Division

12-5-1994
Date of Approval

[Signature]
Chairman, Archives and Records Commission

12/8/94
Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

Kathy Gilliland
Records Analyst/Regional Administrator

Nov. 28, 1994
Date of Approval

Jim [Signature]
Appraisal Archivist

12/5/94
Date of Approval

William Moxer
State/Local Records Branch Manager

12/5/94
Date of Approval

The determination as set forth meets with my approval.

Cindy M. James
Auditor of Public Accounts

12/7/94
Date of Approval

A. B. Chandler III

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Schedule Date: December 08, 1994

STATE AGENCY RECORDS
RETENTION SCHEDULE

Executive Branch
Executive Branch Ethics Commission

Series	Records Title		Contents	Retention		
	and Description	Function and Use		Disposition Instruction		
04438	Executive Agency Lobbyist File (N) NA (V)	This series documents the registration of an executive agency lobbyist (EAL). Pursuant to KRS 11A.211, an EAL must register with the Executive Branch Ethics Commission (EBEC) within ten days following the engagement of his services. An EAL is one that is retained to act for or on the behalf of an employer in an attempt to influence an executive agency official or a member of his staff in order to promote, oppose, or otherwise influence the outcome of an executive agency decision through direct communication. An executive agency official is an officer or employee of an executive branch agency whose principal duties are to formulate policy or to participate in the preparation or review of such, or award contracts, grants, leases, or other financial arrangements with an executive agency. An executive agency decision is a decision of such an agency regarding the expenditure of funds with respect to the contract or arrangement under which those funds are distributed or allocated. An EAL files an updated report the last day of January, May, and September. The updated statement confirms the continuing existence of an engagement described in an initial registration statement. If an EAL is engaged by more than one employer, he must file a separate registration statement for each employer. Within 30 days of termination from an employer, an agent must file written notice to the commission. The legislation for the EAL passed in the 1993 Special Legislative Session. *Reference is not available.	Registration Forms-Initial, Updated--(EAL Information; Employer Information; Real Party in Interest-if different from employer; Description of EAL engagement to agency; Name of agency(s); Signatures, Dates); Correspondence; Statement of Expenditures, Financial Transactions; Termination Form	Agency: Indefinite	Records Center: 9 years	Archives Center: NA Transfer to the State Records Center three years after termination
04439	Employer of Executive Agency Lobbyist File (N) NA (V)	This series documents the registration of an employer of an executive agency lobbyist (EAL) with the Executive Branch Ethics Commission (EBEC). Pursuant to KRS 11A.211, an employer is required to register with the Commission within ten days following the engagement of an EAL. There is no registration fee, however, all statements are reviewed to determine that they contain all of the required information, and, updates must be filed the end of January, May, and September. Any change in information is reflected in the next updated registration. Employers file statements of expenditures and financial transactions just as the EAL's. No termination statement is required. *Reference is not yet available.	Registration Forms-Initial, Updated (Employer Information; Real Party in Interest; Description of EAL engagement to agency; Name of agency(s); Signatures, Dates); Correspondence; Statement of Expenditures, Financial Transactions; Updated--Dates, Amended Report, Names of EAL's engaged	Agency: Indefinite	Records Center: 9 years	Archives Center: NA Transfer to the State Records Center three years after the last registration statement is submitted

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Executive Branch
Executive Branch Ethics Commission

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04440	Statement of Financial Disclosure File (N) NA (V)	This series documents annually the sources of income, outstanding debts (above \$10,000), and other business interests of the elected officials of the executive branch of government and officers as defined in KRS 11A.010 (7). The amount of the items, property, gifts, creditors owed are not required to be disclosed, only the source(s) of each. The purpose of the statement is to reveal potential conflicts of interest. The statements are filed by April 15 of each year for the previous calendar year. *The document replaces the function of the previous Financial Disclosure Review Commission. **Reference not yet available.	Correspondence; (FORM) Name, address; SS#; State employment (agency); Spouse, employer, title; Other Employers of you/spouse, self-employment; (Questions regarding previous calendar year) Fiduciary or other business positions/partnerships held for profit; Business owned an interest of at least 5% or worth \$10,000 or more; Sources of other income received; Real property owned; Gifts received; Creditors owed; Signature affirming reported information/Date	Agency: 4 years	Records Center: 8 years	Archives Center: NA
				Transfer to the State Records Center. Destroy after audit		
04441	Investigative File (Y) KRS 11A.080 (2) - Until final determination (V)	This series documents the review and investigation of executive branch employees, and may include executive agency lobbyists (EAL) or their employers. Pursuant to KRS 11A.080, complaints are noted for review and brought before the Commission to determine if a preliminary investigation is required. A complaint, conveyed to the Commission by letter, telephone, or in person, can be referred to another agency for inquiry, or it may be determined that the Commission should conduct the investigation if there appears to be sufficient evidence that a violation of the code of ethics has occurred. Actions by the Commission may be to confidentially inform the alleged violator of potential violations and provide information to ensure future compliance with the law, or confidentially reprimand the alleged violator for potential violations and provide a copy of the reprimand to the alleged violator's appointing authority. The Commission may turn over to the Attorney General's Office evidence for prosecution, or proceed with the adjudicatory hearing itself. The Commission has civil penalizing authority for all prosecution conducted through the hearing process. *Reference is not yet known.	Documentation of complaint; Summary of investigative findings; Relative evidence; Sixty-day letter (notification to person being investigated); Correspondence (from violator, to violator with determination of action or decision)	Agency: Indefinite	Records Center: 5 years	Archives Center: NA
				Transfer to the State Records Center five years after final determination of the case. Destroy upon approval of the State Archivist		

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Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04442	Investigative File- Permanent (Y) KRS IIA.080 (2) - Until final determination (V)	This series documents the special, high profile, and/or historically significant cases of the Executive Branch Ethics Commission that have been separated from the Investigative File (04441) to be retained permanently. Because of the newness of the agency, documentation of complaints with sufficient evidence of violations, and involving adjudicatory hearings that would be permanent, are yet to be identified specifically. The process is the same as described in the Investigation File. The Kentucky Rules of Civil Procedure and Kentucky Rules of Evidence apply to all commission adjudicatory hearings. All testimony is under oath. All proceedings are public unless the members vote to go into executive session. Within thirty days after completion of deliberations, the commission will publish a written report of its findings and conclusions. Anyone found to have committed a violation of the ethics code may appeal a decision to the Franklin Circuit Court. *Reference is not yet known.	Documentation of complaint; Summary of investigative findings; Relative evidence; Sixty-day letter (notification to person being investigated); Correspondence (from violation, his attorney, to violation with determination of action or decision)	Agency: Indefinite	Records Center: NA	Archives Center: Permane nt Transfer to the State Archives Center five years after final determination of the case
04443	Advisory Opinion File (N) NA	This series documents the opinions of the Executive Branch Ethics Commission on issues regarding interpretation of the ethics law in KRS 11A. An opinion prepared by the Commission staff embodying an understanding of the law(s) as applicable to a state of facts. The opinions are approved by Commission members. Once approved, copies are distributed to the requestor and others identified on the subscribers list. The letter requesting an opinion is not restricted. *Governmental Services Center publishes a summary of significant opinions in Horizons, a newsletter published by them. **Reference is not yet known.	Letter of request for opinion; Opinion	Agency: Permane nt	Records Center: NA	Archives Center: NA Retain in Agency